

ENTERED

July 07, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA, §
§
VS. § CIVIL ACTION NO. 7:20-CV-153
§
5.695 ACRES OF LAND, MORE OR §
LESS, *et al*, §
§
Defendants. §

**ORDER ESTABLISHING JUST COMPENSATION, GRANTING POSSESSION,
DISTRIBUTING FUNDS, AND CLOSING CASE**

The Court now considers the Joint Motion for Order Establishing Just Compensation, Granting Possession, Disbursing Funds on Deposit in the Court's Registry, and Closing Case filed by the Plaintiff, United States of America ("United States"), and Defendants Capote Farms, LTD and Capote Farms GP, LLC. Dkt. No. 36. **IT IS HEREBY ORDERED AND ADJUDGED** that:

1. The full and just compensation payable by the United States for the taking of Tract RGV-WSL-2001 shall be the sum of twenty-eight thousand and four hundred seventy-five and 00/100 dollars (\$28,475.00), plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by Defendants against the United States for the institution and prosecution of this case.
2. Judgment shall be and is hereby entered against the United States in the amount of twenty-eight thousand and four hundred seventy-five and 00/100 dollars (\$28,475.00) for the taking of Tract RGV-WSL-2001, along with any accrued interest.
3. All persons in possession or control of the interests taken in Tract RGV-WSL-2001 are **ORDERED** to surrender possession of same to the United States.

4. The total sum of twenty-eight thousand and four hundred seventy-five and 00/100 dollars (\$28,475.00), with accrued interest, shall be subject to all taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable to and deductible from this amount.
5. The Clerk of Court shall now, without further order of the Court, disburse the total sum of **twenty-eight thousand and four hundred seventy-five and 00/100 dollars** (\$28,475.00), which remains on deposit with the Court's Registry, **along with any accrued interest earned while on deposit**, payable to:

**Barron, Adler, Clough & Oddo, LLP, as trustee for Defendants:
Capote Farms, LTD and Capote Farms GP, LLC.
808 Nueces St.
Austin, Texas 78701**

6. Defendants warrants they (a) were the owners of the interest in the property taken in this proceeding on the respective dates of taking, (b) have the exclusive right to the compensation set forth herein, excepting the interests of parties having liens, encumbrances of record, and unpaid taxes and assessments, if any, and (c) no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
7. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this proceeding, Defendants shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of

the respective deposit by Defendant, to the date of repayment into the Registry of the Court.

8. Defendants shall be responsible for its own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, and any other expenses or costs.
9. There being no outstanding taxes or assessments due or owing, Defendants are responsible for the payment of any additional taxes or assessments, which they otherwise owe on the interests in the property taken in this proceeding on the date of the taking.
10. Defendants shall take no appeal from any rulings or judgment made by the Court in this action, and the Parties consent to the entry of all motions, orders, and judgments necessary to make this stipulated judgment.
11. Defendants shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the property taken in this proceeding on the date of the taking.
12. This Order is binding on the heirs, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants.

IT IS HEREBY ORDERED that this case shall be **CLOSED** on the Court's docket.

SO ORDERED this 7th day of July, 2021, at McAllen, Texas.



Randy Crane
United States District Judge

